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‘Human Rights Abuses by Vietnamese Authorities’

*U.S. Rep. Chris Smith (NJ-04), Chairman
House Subcommittee on Africa, Global Health,
Global Human Rights and International Organizations
Excerpt of Remarks at congressional hearing
June 17, 2015*

I would like to begin by recognizing the distinguished Vietnamese-Americans leaders who are visiting Washington to discuss with Members of Congress issues of concern to their community, including issues of freedom and human rights in Vietnam. Our former colleague Cong. Cao is leading this group.

The Vietnamese-American community is celebrating its 40th year in the U.S. We often think of 1975 as a time of tragedy and loss, as the Vietnam War ended with helicopters flying off the U.S. Embassy. But from tragedy has come hope and prosperity. The Vietnamese-American community has added so much to the American fabric. They are a shining example of an immigrant community, many who came here penniless refugees, who has made important contributions to the United States.

This subcommittee has held numerous hearings on human rights in Vietnam and we have discussed a range of concerns, from restrictions on religious freedom to the jailing and torture of dissidents. From sex and labor trafficking to the censorship of the press and Internet. The Vietnamese Government and Communist Party continues to be one of the world’s worst abusers of human rights. We may want to sweep that reality under the table, paper it cover by promises of security cooperation and trade deals. But that reality stares us in the face and requires us to ask whether U.S. policy really serves the people of Vietnam, people who want our liberties and freedoms as much as our trade.

The U.S. Government must continue to press the Vietnamese government on truly fundamental human rights issues, not only in human rights dialogue, but in all meetings with Vietnamese officials, at the highest levels from the U.S. President on down.

Sixty-six percent of the Vietnamese population is under 35, they don't remember the war, they want their lives to look like those of their Vietnamese cousins in the U.S., in Australia, and Canada. Our policies cannot only be directed at the Vietnamese elite in the Communist Party, but must focus on the people of Vietnam. They are looking for U.S. leadership; they are hungry for a U.S. policy that advances the rights and freedoms of the Vietnamese people. They understand that if the U.S. sides with the Vietnamese Government, they will only receive crumbs from the Communist Party's table.

Our economic, security, and freedom interests must be linked. The Vietnamese Government needs U.S. security cooperation and economic benefits more than the U.S. needs Vietnam. We have leverage to bring about concrete changes in Vietnam. We must not give up or ignore this leverage.

If human rights issues are not explicitly linked to our economic and security interests, we risk having discussions on trade and defense moving forward, while human rights conditions go backward.

Trade between the U.S. and Vietnam has exponentially expanded since Vietnam was granted normal trade relations in 2000. If this expansion is to continue under the Trans-Pacific Partnership, or TPP for short, then the American people should at least be assured that Vietnam, currently our 15th largest source of imports, is protecting basic freedoms.

If the past is any indicator, Vietnam will regress from political liberalization as soon as it gains preferential trade status. In 2007, after the United States lifted its long-standing objection to Vietnam's membership in the World Trade Organization, Hanoi responded by launching the first of three waves of arrests that jailed over one hundred dissidents and introduced sweeping new laws restricting freedom of association, assembly, and the Internet. In short, Vietnam's WTO accession allowed the Communist government free license to jail, torture, and abuse.

Further, when the State Department removed Vietnam from the list of Countries of Particular Concern as a gesture of goodwill in 2006, we once again saw backsliding. Despite the State Department's decision in 2006 to remove Vietnam from the list of Countries of Particular Concern as designated pursuant to the International Religious Freedom Act, Vietnam, in fact, continues to be among the worst violators of religious freedom in the world.

According to the United States Commission for International Religious Freedom's 2015 Annual Report, "The Vietnamese Government continues to control all religious activities through law and administrative oversight, restrict severely independent religious practice, and repress individuals and religious groups it views as challenging its authority..." I agree with USCIRF's conclusion that Vietnam should be designated a CPC country.

I met courageous religious leaders during my trips to Vietnam who were struggling for fundamental human rights in their country. Unfortunately, many of them, including Father Ly and the Most Venerable Thich Quang Do, remain wrongly detained today. There are disturbing reports that Father Ly is suffering poor health. There are over 150 prisoners of conscience in Vietnam. We should not forget them.

Some have made the case that Vietnam has made progress in recent years with respect to human rights, especially in regard to joining international agreements like the United Nations

Convention Against Torture. In order for there to be real progress, the Vietnamese Government needs to back up its words with actions. The Vietnamese Government can show that it is serious about respecting and protecting human rights by crafting a new religion law that rolls back some of the many constraints on religious activities, but early indications the new law will actually be more restrictive. Vietnam can lift its draconian internet restrictions and allow for independent labor organizations. Labor protections and Internet freedom are critical economic as well as human rights issues.

Despite the dismal status for human rights in Vietnam, we can exert pressure on the Vietnamese Government to cease these abuses. I have reintroduced the Vietnam Human Rights Act. The Vietnam Human Rights Act of 2015 seeks to promote the development of freedom and democracy in Vietnam by stipulating that the United States can increase its non-humanitarian assistance to Vietnam above FY2012 levels only when the President is able to certify that the Government of Vietnam has made substantial progress in establishing human rights protections. The United States should not be rewarding the Vietnamese regime with taxpayer dollars when it continues to violently repress its own people.

Swift Congressional action on this bill will send a strong message that U.S. will not tolerate continuing human rights abuses in Vietnam. Its enactment will send an unmistakable message to the Government of Vietnam that human rights improvements are fundamental to better relations, critically linked to our mutual economic and security interests, and cannot be ignored or bargained away.

Those intent on passing TPP should also be concerned with maximizing leverage over Vietnam, with the Vietnamese Government making true and lasting concessions on human rights, before we agree to provide them with the benefits of trade.

In fact, we will hear from one of our witnesses, the Reverend Nguyen Manh Hung of the Mennonite Church of Vietnam, how a religious leader has been threatened by security forces who told him that once TPP is passed, his house of worship will be torn down. This is a message that Congress, and the American people need to hear, before we continue to debate TPP in the abstract: There should be no trade deal with Vietnam without milestones being met on human rights on a permanent and sustainable basis.

We are fortunate to have a distinguished panel of witnesses here today to discuss these issues and I look forward to hearing their recommendations about what the United States can do to push for real improvements to the abysmal human rights conditions in Vietnam.